

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 11-87 (MJD/JJK)

(8) JUDE OBIRA OKAFOR,

Defendant.

Ann M. Anaya and John Docherty, Assistant United States Attorneys, Counsel for Plaintiff.

John S. Hughes, Law Office of John S. Hughes, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated August 18, 2011. [Docket No. 443]

Defendant filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record, including the transcript of the hearing. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and

Recommendation of United States Magistrate Judge Keyes dated August 18, 2011 to the extent that it holds that Defendant has no standing to challenge the placement of the GPS device. The Court does not need to reach the issue of whether the use of the GPS device was a search.

Accordingly, based upon the files, records, and proceedings herein, **IT IS
HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated August 18, 2011. [Docket No. 443].
2. Defendant's Motion to Suppress Evidence Obtained as a Result of Unlawful Search and Seizure [Docket No. 425] is **DENIED**.

Dated: October 4, 2011

s/ Michael J. Davis

Michael J. Davis
Chief Judge
United States District Court